

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVITA M. KEY,

Plaintiff,

v.

HYUNDAI MOTOR
MANUFACTURING, ALABAMA,
LLC; HYUNDAI ENG AMERICA,
INC.; and DYNAMIC SECURITY,
INC.

Defendants.

Case No. 2:19-CV-767-ECM

PLAINTIFF'S WILL USE EXHIBIT 13

00-19-17;12:58PM;

7/ 1

September 15, 2017

CERTIFIED AND TRUE COPY OF
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TO: Alabama Department of Labor

SEP 18 2017

VIA FAX: 2 Pages

Hearings and Appeals Division

ATTN: Donna Foshee Budlong

RE: Claimant Key/ Davita M.



On August 1, 2017 I filed a complaint with Ray Cureton, (District Manager of Dynamic Security) because after informing Gloria Robinson that I was pregnant, she and Cassandra Williams began to harass me concerning my hair.

After I filed the complaint with Ray Cureton, I was told that Gloria Robinson did not want me back at the Hyundai site. Mr. Cureton said that he did not have any jobs that were immediately available but when he did he would inform me. I told Mr. Cureton, that while I preferred to work the first shift that I would take any position available.

Ms. Scavella's statement she says that on August 8, 2017 I was informed of two positions that were available. This is not true. I have never seen the Assignment Refusal Form submitted by Dynamic Security and I never signed any such form because it was not presented to me and I was not informed of any other jobs. Please note that the date on the form states that I separated my employment on August 1, 2017 when I refused two assignments. Ms., Scavella's statement dated August 14, 2017 states that I was offered positions on August 8 and August 11, several days later. How is it possible that I rejected positions on August 1, 2017 which were not offered to me until August 8?

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Ray Cureton was present for each conversation that I had because I had those conversations with him and not with Nicole Scavella, I would point out that this is omitted from Dynamic Security's response and rebuttal.

I was not aware and neither had I received anything in writing stating that I could not wear my natural hair when I was hired. I was told to refer to the Dynamic Security Handbook (see attached document).

On July 31, 2017 I was approached by Cassandra Williams about my hair after informing my supervisor that I was pregnant. When I asked to see the policy, Ms. Cassandra Williams informed me (in the presence of Ms. Gloria Robinson) that she did not have to show me anything.

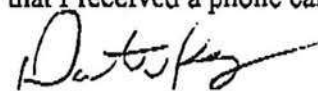
On August 1, 2017 Ms. Gloria Robinson told me that I should not have questioned Ms. Williams by asking to see a policy that I was unaware of.

I would also like to point out the inconsistencies in Dynamic Security's documents as the Assignment Refusal form states that the salary for both positions was \$9.00 per hour, whereas, the letter from Ms. Sherry Spires states that I was told the positions were \$8.00 per hour.

It is not true that I told Ray Cureton that I wanted to think about a job and I informed Mr. Cureton that I would accept whatever was available by saying "beggars can't be choosers." I informed Mr. Cureton that I was ready to work but he repeatedly told me that there were no positions available. Furthermore, Ms. Scavella asked if I would travel to Selma for a position and I informed her in the presence of Mr. Cureton that I would but she quickly told me that the position was not readily available.

On August 11, 2017, when I went to the office for an unrelated matter, Ms. Scavella told me that Mr. Cureton was going to contact me about upcoming positions that he had in the next 20 days. He never did. I have yet to hear from anyone at Dynamic Security regarding upcoming positions.

Please have Dynamic Security present all phone records demonstrating that Ms. Scavella called me to inform me that I was not fired and where she offered me the alleged two assignments and I refused. I never received any phone calls from Ms. Scavella or any employee of Dynamic Security. Therefore, the inconsistencies in the statements provided by Dynamic Security demonstrate untruthfulness. Ms. Scavella's statement dated August 14, 2017 states that she personally spoke with me about these positions, yet the rebuttal submitted by Ms. Spires says that I received a phone call. Both of these statements are untrue.



Davita Key

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RE: Claimant Key/ Davita M.


1. After I was told that HMMA did not want me to return to their job site, Kay Cureton told me that he did not have any jobs that were immediately available. On my job application, I put that I was able to work any shift and at any time and I am still available to have that ~~schedule~~. ~~I never signed anything in which I refused any assignments from Dynamic Security and I have not been contacted by any employee of Dynamic Security regarding a job since I was discharged from Hyundai. I was only told that when a job became available that I would be called and I have yet to receive that phone call.~~
2. The attached email from Gloria Robinson is one that I never received. I was never told about a policy being posted anywhere. Ms. Gloria Robinson saw me on July 31, 2017 and saw that my hair was natural (styled as it was in my initial interview on July 19, 2017) and she did not say anything about my hair being inappropriate. Ms. Robinson and her supervisor did not approach me concerning my hair until after I informed Ms. Robinson that I was pregnant. I asked to see a written policy because I had never seen it and I was told by Cassandra Williams that she did not have to show me anything and I was told by Gloria Robinson that I should not have questioned her supervisor in asking to see the policy.
3. I was removed from HMMA allegedly for violating a policy concerning my hairstyle. I never received anything in writing or signed anything stating that I could not wear my hair in its natural state. I was always told to refer to the Dynamic Security Handbook concerning my appearance.

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4. I never signed any Assignment Refusal form because I never seen or received any such document.
5. I never stated that I could "...only work first shift". I stated that "... I preferred a first shift assignment but that I would take any job that was available". I was told however that there were no immediate assignments and I would be notified when they became available.



Davita Key

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